



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

LAINIE E. PARKER
AKZO NOBEL INC.
INTELLECTUAL PROPERTY DEPARTMENT
7 LIVINGSTONE AVENUE
DOBBS FERRY, NY 10522-3408

COPY MAILED

DEC 22 2004

OFFICE OF PETITIONS

In re Application of :
Ann Xiaolan Liu, et. al. :
Application No. 09/235,686 : **ON PETITION**
Filed: January 22, 1999 :
Attorney Docket No. 09/235,686 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 9, 2004, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 27, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned after midnight January 27, 2004.

In response, petitioner submitted with the instant petition \$1,330 for the petition to revive fee, and an amendment.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so notify the Office. Also, there is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application, in accordance with 37 CFR 1.34(a), the signature of Steven J. Scott appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

The petition is **GRANTED**.

A review of the record shows that petitioner filed a Request for Continued Prosecution (RCE) under 37 CFR 1.114, on April 27, 2004. However, since prosecution was not closed, the RCE submitted was considered improper. Therefore, the \$770 RCE fee will be refunded to the deposit account listed in the RCE.

The application file is being referred to Technology Center Art Unit 1773, for review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

A handwritten signature in black ink, appearing to read 'A. Smith', is positioned above the printed name.

Andrea Smith
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy